



## Board of Zoning Appeals Application

Date: \_\_\_\_\_ ZA: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Please complete all sections of the application. Call 757-253-6671 if you have any questions, or go online to [jamescitycountyva.gov/zoning/board-zoning-appeals-procedures](http://jamescitycountyva.gov/zoning/board-zoning-appeals-procedures)

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

The applicant must provide the following information to support this application:

1. A plat of the property drawn to scale showing dimensions and locations of all structures, wells, septic systems and easements associated with the property.
2. A location sketch of the property showing all adjacent roads or right-of-ways and showing the nearest road intersection.
3. Building elevation drawings and/or topographical map if appropriate to request.

### 1. Project Information

Project Name: Lot 31 and Lot 32 Section 2 Lakewood Subdivision

Address: 126 Lake Drive Zoning: R2

Williamsburg, Virginia 23185 Is site in PSA? Yes x No       

Tax map and parcel ID: 541753 474080032

### 2. Applicant/Contact Information

Name: S. M. Franck

Company: Geddy, Harris, Franck & Hickman, LLP Phone: 757 220 6500

Address: 1177 Jamestown Road Fax: 757 253 8953

Williamsburg, Virginia 23185 Email: sfranck@ghfhlaw.com

### 3. Property Owner Information

Name: Kensett F. Teller, Trustee

Company: \_\_\_\_\_ Phone: 757 253 0769

Address: 126 Lake Drive Fax: \_\_\_\_\_

Williamsburg, Virginia 23185 Email: \_\_\_\_\_

PLANNING DIVISION

FEB 12 2012

RECEIVED

**4. Variance**

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 - 258 of the Zoning Ordinance.

The specific variance(s) requested are: 258

as shown on plat dated 2/18/2009, revised 9/14/2009 and 4/18/2011 entitled "Plat of Consolidation on Property Being Lots 31 & 32, Section 2 Lakewood Located in James City County, Virginia" made by HIS Land Surveying and recorded as Instrument Number 110010777 in the Clerk's Office of the Circuit Court of James City County

Continue on separate page if necessary

The variance is requested for the following reasons: See attached

Continue on separate page if necessary

**5. Appeal**

The above applicant respectively requests that the Board of Zoning Appeals review the decision made on \_\_\_\_\_ date.

The following action is requested:

- ☐ an interpretation of Section 24- \_\_\_\_\_ of the Zoning Ordinance  
☐ an interpretation of the Zoning Ordinance map  
☐ an appeal of an administrative decision

Explanation of appeal: \_\_\_\_\_

Has the applicant previously filed an appeal in connection with the property? (If yes, give the date of appeal.) \_\_\_\_\_

Explanation of purpose to which property will be put: \_\_\_\_\_

*The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Zoning Appeals are true.*

Applicant Signature: Jim Fend Date: 2-13-13

Property Owner Signature: Kenneth F. Teller Date: 2-13-13  
Trustee

BZA\_APP

Rev 04\_12

•Item 4 Variance application of Kensett F. Teller, Trustee

The Tellers constructed their residence on Lot 32, Section 2, Lakewood Subdivision in 1989. At that time, Lot 32 was separate from Lot 31. They relied on their contractor to site the house and other improvements, including decks. They have no knowledge or record of whether a foundation survey was done at the time the house was constructed. The initial project included a substantial deck which exists today and has remained in the same location since the house was constructed.

In 2009, Ms. Teller decided to combine Lot 31 and Lot 32. Attached to this application is a plat prepared by HIS Surveying and submitted to James City County for approval in 2011. The plat shows the encroachment of a deck over the rear set back line and a different encroachment of the same deck into the RPA. Ms. Teller understood that the RPA encroachment was grandfathered at the time the plat was submitted and approved by James City County in May of 2011. She did not notice and was unaware of the setback line encroachment.

The 2011 plat is recorded in the land records of James City County. Ms. Teller recently contracted to sell Lot 31 and Lot 32. Her buyer sought verification from the County that the encroachments were grandfathered or permitted. That led to investigation of the matter by the Zoning Department, which has concluded that the encroachment over the rear set back line was neither grandfathered nor permitted.

Strict application of the zoning ordinance would produce undue hardship because it would require removal of a portion of the deck which has been in place more than 20 years. This hardship arises because of the unusual configuration of the combined lot, which is not shared generally by lots in the same vicinity. Authorization of the variance will not be a substantial detriment to adjacent property owners who have co-existed with the deck encroachment without complaint for decades.

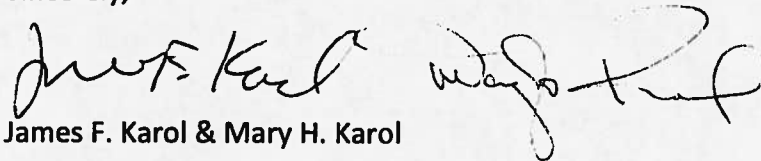
February 18, 2013

RE: Case no. ZA-0002-2013, 126 Lake Drive

James City County Zoning Administrator:

We are writing in regard to the above case concerning rear yard setback. We are the immediate neighbors to Kensett Teller, whose property is involved in this case. We would like to submit for record that we have no concerns if a variance is issued to allow the continued placement of the current decks that encroach into the rear yard setback. The decks are well maintained, are aesthetically pleasing, and do not hinder access to the shared rear yard boundary.

Sincerely,

The block contains two handwritten signatures in black ink. The signature on the left is 'James F. Karol' and the signature on the right is 'Mary H. Karol'. Both are written in a cursive, flowing style.

James F. Karol & Mary H. Karol  
124 Lake Drive

APPLICATION FOR BUILDING PERMIT  
JAMES CITY COUNTY



6-14-88  
230  
Contractor  
Information

State Contractors  
License # 0100000  
Company Name 0100000  
Phone                     

Description  
of  
Work

residential  
3,000 square ft. house

Was a Site Plan Submitted  
For This Work? yes attached

Is Plat Plan Attached? yes XXXXX

Location  
of  
Work

(.47-4)(3-32)  
Real Estate Parcel # Lot 32  
Street Address 1654 Jamestown Road  
Subdivision Lakewood  
Property is Zoned residential R1

Owner  
Information

Name Michael C. Teller and Kenneth Teller  
Address 1654 Jamestown Road  
Phone 78047 253-0769

Building  
Information

Stories 2 - finished attic area  
Rooms 9  
Baths 2  
Ext. Finish cedar/stained  
Int. Finish sheetrock  
Flooring wood/1st floor/carpets/2nd/3rd  
Roofing asphalt shingle  
Heat Type heat pump

Grinder Pump                       
Septic Public Sewer XXX  
Well Public H<sub>2</sub>O XXXX  
No. Fireplaces 1  
Air Conditioning Type heat/pump  
Eider Area (sq. ft.) 3,000 2485  
Net Including Bmt. & Gar.                       
Bmt. Area (sq. ft.)                       
Garage (St. #)                       
Est. Value \$200,000.00  
(Do not include lot #)

Applicant  
Information

Name Michael C. Teller  
Signature Michael C. Teller  
Application Made by                       
Owner Michael C. Teller  
Contractor                     

Office use only  
2985  
Permit # 17910  
Received by

AFFADAVIT

I HEREBY AFFIRM THAT UNDER THE PROVISIONS OF TITLE 54-113 OF  
THE CODE OF VIRGINIA, I AM NOT SUBJECT TO LICENSURE AS A CONTRACTOR OR  
SUBCONTRACTOR. BY THIS AFFADAVIT I ASSUME FULL RESPONSIBILITY FOR  
COMPLETION OF THE PROPOSED WORK FOR PERMIT 88-1345 IN ACCORDANCE  
WITH ALL APPLICABLE BUILDING CODES AND LAW.

SIGNATURE

*Mc*

DATE

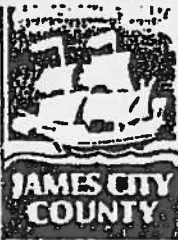
6/14/88

COPY FROM JOB

AUG 11 2003

RECEIVED BY MAIL





Revision to 48-1365

9-8-88  
12:30

# APPLICATION FOR BUILDING PERMIT

101 Mounts Bay Road P.O. Box JC Williamsburg, VA. 23187-3627 (804) 253-6626

Office Hours: Mon-Fri 8:30 a.m. - 5:00 p.m.

## CONTRACTOR INFORMATION

License # 60020  
Company Name \_\_\_\_\_  
Phone # \_\_\_\_\_  
Signature \_\_\_\_\_

## OWNER INFORMATION

Name Mr. Michael C. T. T. T.  
Address 1654 JAMESTOWN RD  
Phone # 229-7720 253-0769  
Signature \_\_\_\_\_  
Agent A. Williams

## DISCRIPTION OF WORK

Addition of deck to house

Site Plan # \_\_\_\_\_ Plat Plan Submitted Yes XX No \_\_\_\_\_

## LOCATION OF WORK

Real Estate Tax Map # \_\_\_\_\_ Zoned R-1 RESIDENTIAL GEO  
Street Address LOT 32 126 LAKE DR Subdivision LAKEWOOD

## BUILDING INFORMATION

Stories 2 Grinder Pump \_\_\_\_\_  
# Rooms 9 Septic \_\_\_\_\_ Public Sewer \_\_\_\_\_  
# Baths 2 1/2 Well \_\_\_\_\_ Public H<sub>2</sub>O \_\_\_\_\_  
Exterior Finish Cedar / STAINED # Fireplace \_\_\_\_\_  
Interior Finish Sheet rock Air Conditioning Type \_\_\_\_\_  
Flooring WOOD / 12" floor / CARPET 2nd Floor Area (sq. ft.) 953  
Roofing Asphalt Shingle (Do not include Bsmt & Garage)  
Heat Type heat pump Basement Area (sq. ft.) \_\_\_\_\_  
Estimated Value \_\_\_\_\_ Garage Area (sq. ft.) \_\_\_\_\_  
(Do not include Lot \$)

## OFFICE USE ONLY

Permit # \_\_\_\_\_ Improvement Code 02  
Lot Width \_\_\_\_\_ Structure Used As SP  
Lot Depth \_\_\_\_\_ Use Group D4  
Front Property Line \_\_\_\_\_ Occupancy Load \_\_\_\_\_  
Right Property Line 25' (ST) Type Construction EP  
Left Property Line \_\_\_\_\_ Zoning Approved 160  
Rear Property Line \_\_\_\_\_ Zoning Disapproved \_\_\_\_\_  
PERMIT FEE 4765 PLAN REVIEW FEE 913  
Date Plan Reviewed 9-1-88 LINE NO. 88-935

A F F A D A V I T

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THE CODE OF VIRGINIA, I AM NOT SUBJECT TO LICENSURE AS A CONTRACTOR OR  
SUBCONTRACTOR. BY THIS AFFADAVIT I ASSUME FULL RESPONSIBILITY FOR  
COMPLETION OF THE PROPOSED WORK FOR PERMIT 88-1365 IN ACCORDANCE  
WITH ALL APPLICABLE BUILDING CODES AND LAW.

SIGNATURE

George Williams

DATE

9/8/89



1 ORIGINAL	<h1 style="text-align: center;">BUILDING PERMIT</h1> <h2 style="text-align: center;">JAMES CITY COUNTY</h2>				07-4-10-0-0000 5 PERMIT NO. 88-1365 D		
2 REISSUE							
3 EXTENSION							
<b>INSTRUCTIONS TO PERMIT HOLDER</b>		<p>1 <u>Plans and specifications</u> - Copy of the plans and specifications which bear the official stamp of the Building Official shall be retained in the Building Official's office. A permit is issued by the Building Official.</p> <p>2 <u>Inspection required</u> - The Inspector-Record Card shall be filled out at the time the permit is issued. The permit holder shall be responsible for the inspection of the work. The Building Official shall be notified when the stages of construction are reached that require inspection. The Inspector-Record Card for inspection is located in the Building Official's office.</p> <p>3 <u>Access to permit</u> - State permits are required for electrical, mechanical, heating, ventilating, air conditioning, and plumbing work.</p> <p>4 <u>Expiration of permit</u> - This permit may be renewed by the Building Official at the discretion of the state. The permit holder shall be notified in writing of the expiration of the permit.</p> <p>5 <u>When permit is void</u> - This permit becomes void if the authorized work is not commenced within 6 months after the date of permit is noted below. If the authorized work is suspended for a period of six (6) months after the date of commencing the work.</p> <p>6 <u>Certificate of use and occupancy</u> - The work authorized by this permit shall not be used or occupied until a certificate of use and occupancy is issued by the Building Official.</p>					
		REVISION					
<b>LOCATION</b>		6 NUMBER AND STREET 126 LAKE DRIVE WM 23185		7 LOT NO 0032		8 "X" APPROPRIATE BOXES 8 PSA 11 OVERLAY DISTRICT 13 FLOODPLAIN	
		9 SUBDIVISION NAME 304 LAKEWOOD GED: 304		10 SECTION 12 ZONING DISTRICT 417			
<b>APPLICANT</b>  <input type="checkbox"/> CONTRACTOR (ARCHITECT, ENGINEER)  <input checked="" type="checkbox"/> OWNER (LESSEE)		14 CONTRACTOR'S NAME HOMEOWNER		21 OWNER'S NAME TELLER, MICHAEL & KENSETT			
		15 NUMBER AND STREET 16 CITY, STATE, ZIP CODE 18 TELEPHONE NO		22 NUMBER AND STREET 253-0748 JAMESTOWN RD 23 CITY, STATE, ZIP CODE 25 TELEPHONE NO			
		19 STATE CONTR LIC. NO. OR COUNTY REG. NO 100000C		26 LESSEE'S NAME Betty S. Ponder Treasurer County of James City			
<b>IMPROVEMENT DATA</b>		27 TYPE OF IMPROVEMENT DWELLING, NEW SINGLE FAMILY				29 USE OF STRUCTURE SINGLE FAMILY RESIDENCE	
		28 IMPROVEMENT CODE 01		30 NO. OF DWELLINGS 000		31 USE GROUP CLASS R4	
		32 OCCUPANCY LOAD		36 TYPE OF CONSTRUCTION SB		37 BASEMENT FOUNDATION WALLS (TYPE)	
		33 LENGTH 0.0		34 WIDTH 0.0		35 HT. 0.0	
		38 NO. OF STORIES 02.0		39 GROSS FLOOR AREA (SQ. FT.) 3898		40 FIRE RESISTANCE RATING (HOURS) 000	
		41 FIRE SUPPRESSION SYSTEM REQUIRED?		42 LENGTH 136.00		43 AREA OF LOT (ACRES) 00000380	
		44 WIDTH 131.00		45 46 UTILITIES "X" two boxes		47 WATER SUPPLY X	
		48 FRONT 35.00		49 SIDE, RIGHT 60.00		50 REAR 36.00	
		51 SIDE, LEFT 28.00		52 BUILDING OFFICIAL B. Farmer		53 DATE 09/15/83	
54 VALUATION OF WORK \$255,000.00		55 PERMIT FEE \$226.75		56 VALIDATION OF PAYMENT [Signature]		57 SITE PLAN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

**JAMES CITY COUNTY, VIRGINIA  
DEPARTMENT OF CODE COMPLIANCE  
INSPECTION REQUEST FORM**

OFFICE OF RECORDS MGMT.

PERMIT NO: 11 1365 c/o 2

DATE INSPECTION REQUESTED: \_\_\_\_\_ DATE COMPLETED: 2/22/89

☒ BUILDING ☐ ELECTRICAL ☐ OTHER 189  
☒ PLUMBING ☐ MECHANICAL

TYPE OF INSPECTION: Plumbing (1/20 1) I

STRUCTURE: \_\_\_\_\_ POWER RELEASE: \_\_\_\_\_

CONTRACTOR: Homeowner SUBCONTRACTOR: \_\_\_\_\_

OWNER'S NAME: Teller 253-0769

LOT NO.: 132 HOUSE NO.: 250-1590/126

STREET: Lake Dr

SUBDIVISION: Lakewood

APPROVED: ☒ REJECTED: \_\_\_\_\_ CITE CODE VIOLATION: \_\_\_\_\_

SUBJECT TO:  
(1) cut & cap sewer cleanout by street;  
(2) seal around drains under sinks,  
do for washer;

REMARKS:  
(3) Remove paper/cardboard etc  
from crawlspace & install door.  
(4) Railing with spindles or equivalent  
to be installed by owner.

INSPECTED BY: H. Williams

REQUEST TAKEN BY: 2/22 MF TIME REQUEST TAKEN: \_\_\_\_\_

INSPECTION OFFICE HOURS 7:30 - 8:00 AM & 3:00 - 3:30 PM  
MUST HAVE PERMIT NUMBER, IF CONTACTING OFFICE. PHONE 253-8828  
INSPECTORS COPY

1	ORIGINAL
2	REISSUE
3	EXTENSION

INSTRUCTIONS  
TO  
PERMIT  
HOLDER

LOCATION

APPLICANT

☐ CONTRACTOR  
(ARCHITECT,  
ENGINEER)

☒ OWNER  
(LESSEE)

IMPROVEMENT  
DATA

SITE  
DATA

SITE PLAN?

☐ YES ☒ NO

SIGNATURE

01

<input type="checkbox"/> ORIGINAL		<b>CERTIFICATE OF USE AND OCCUPANCY</b>  JAMES CITY COUNTY		14-11-03-0-0032- )				
<input type="checkbox"/> CHANGE IN USE				BUILDING PERMIT NO				
<input type="checkbox"/> TEMPORARY <small>See Special Conditions</small>				03-1362-5				
<p>This certificate is issued pursuant to the requirements of Section 117.2 of the Virginia Uniform Statewide Building Code and it (1) certifies that at the date of issuance this structure as identified below is deemed to be in compliance with the applicable provisions of the Virginia Uniform Statewide Building Code as they apply to the following use and occupancy and (2) authorizes the use and occupancy as described below</p> <p>03/17/89</p> <p>CHANCE OF PROGRESS MEANT</p> <p>(The expiration date of a Temporary Certificate appears beside Special Conditions)</p>								
STRUCTURE	LOCATION	6 NUMBER AND STREET		LOCATION CHARACTERISTIC		YES	NO	
		126 LAKE DRIVE WM 23185		9 PRIMARY SERVICE AREA		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		7 CITY AND ZIP CODE		10 OVERLAY DISTRICT		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		WMSBURG 23185		11 FLOODPLAIN		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	USE	8 PROJECT NAME		12 PURPOSE FOR WHICH STRUCTURE MAY BE USED		13 ZONING DISTRICT		
		304 LAKEWOOD		SINGLE FAMILY RESIDENCE		417		
		SPECIAL CONSIDERATION (PLACE CASE NUMBER IN BOXES)						
		ACTION		YES	NO	ACTION		YES
IMPROVEMENT DATA	14 SPECIAL USE PERMIT		<input type="checkbox"/>	<input checked="" type="checkbox"/>	15 SITE PLAN		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	16 CONDITIONAL USE PERMIT		<input type="checkbox"/>	<input checked="" type="checkbox"/>	17 VARIANCE		<input type="checkbox"/>	<input checked="" type="checkbox"/>
OWNER	18 USE GROUP CLASSIFICATION		19 TYPE OF CONSTRUCTION					
	R4		SB					
	20 TYPE OF IMPROVEMENT							
	DWELLING, NEW SINGLE FAMILY							
OWNER	21 NAME							
	TELLER, MICHAEL & KENSETT							
	22 NUMBER AND STREET							
SPECIAL CONDITIONS	25 LIST DETAILS OF SPECIAL CONDITIONS							
	23 CITY AND STATE					24 ZIP CODE		
SIGNATURE	26 BUILDING OFFICIAL		27 DATE OF ISSUE					
	Bernard D. Farnen, Jr.		03/17/89					



☐ JAMES CITY COUNTY  
☒ JAMES CITY SERVICE AUTHORITY

DIVISION .....

CONTRACT FOR WATER SERVICE ☒

CONTRACT FOR SEWER SERVICE ☒

Residential Business Multi-Family Other New Existing



ACCOUNT NO. 214-100130000

WATER

DATE 5/88 JULY 12, 1988

NEWPORT NEWS TAP FEE

AVAILABILITY CHARGE 1500.00 Sys Fac Chg

CREDITS 1500.00 Fac Fac Chg

BALANCE

PAYMENTS

LOCATION 1st 100 (7-1) (3-12)

LOT NUMBER 32 Sec 11

SUBDIVISION Lakewood

STREET NAME 125 Lake Drive

UNIT DESCRIPTION 2 1/2 bdr

OTHER INFORMATION COPY FROM JCC

A PERMIT TO MAKE THIS WATER/SEWER  
CONNECTION SHALL BE OBTAINED BY YOUR  
PLUMBER FROM THE OFFICE OF THE  
JAMES CITY COUNTY BUILDING OFFICIAL

METER NUMBER

SIZE 5/8" CF

SEWER

DATE

AVAILABILITY CHARGE 1500.00 Sys Fac Chg

CREDITS 10000 Inspec

BALANCE

PAYMENTS 300.00 1850

BALANCE \$4,700.00 Pd. 7/12/88, # 88862

It is agreed that the charges for water/sewer service at the above address shall be paid at rates established by the County or Authority Boards and that service is to be rendered in accordance with their rules and regulations. The charges for services shall begin the day following connection to the system or systems or the day following the expiration of the mandatory connection period if applicable, whichever occurs first. It is agreed that applicant will pay all penalties, reconnection fees, lien fees, deposits or other charges as established by the District/Authority for late payments, reconnection fees for non-payment, or service calls. It is agreed that notice of discontinuance of service shall be given to James City County Office of Finance and that quarterly bills for service shall accrue until such notice is given. It is understood failure to pay quarterly charges shall result in an assessment of full availability charges for reconnection. It is agreed that the District/Authority shall place a lien on such real estate owned by me served by such sewer or water for any delinquent charges. It is further agreed that by this contract authority is given to the District/Authority to have access to its meter at all times without any other permit, and further that the water and sewer service furnished through these facilities shall not extend to any other property nor the water therefrom resold in any manner. It is understood and agreed that the District/Authority does not guarantee continuous service or any specific water pressure. Ownership of service pipe and/or meter hereinbefore applied for, when installed is hereby vested in District/Authority subject to jurisdiction of and control by same. Location of grades for top of meter box shall be furnished by applicant. It is agreed that if raising or lowering of meter is necessary after initial installation, a service charge shall be applicable. I agree that no downspouts or gutters from roofs, catch basins or farm tiles and lawns, footing drains or any other drains used to carry storm water will be allowed to discharge into the Sanitary Sewer, and if such conditions exist at any time, I hereby agree to have same remedied at my expense upon notice thereof.

please print full name of owner

Richard C. Teller

1. 1. 1987

1111111111, VA 22101

BY:

signature

mailing address to which bills are to be sent

TELEPHONES: Residence

Business

WHITE—Office

GREEN—Treasurer's

CANARY—Building Official

PINK—Customer

GOLDENROD—File

NOR. P. CO.

We Have  
Made In  
Virginia.

39242

HAMPTON ROADS SANITATION DISTRICT  
SEWAGE DISPOSAL FACILITIES CHARGE RECEIPT  
"TAP FEE"

DATE July 12, 1988

RECEIVED OF Michael C. Teller \$ 390.00

Three hundred ninety and none DOLLARS

SERVICE ADDRESS Lakewood Sec. II Lot 32  
126 Lake Drive

CONTRACTOR'S/ P. O. Box 1497  
OWNER'S Wmsbg., VA 23187  
ADDRESS

CASHIER Wendy Wiggs

METER SIZE 5/8" cf

PHONE NUMBER H 253-0803 W 253-0769

NO. OF UNITS 2 1/2 Baths

SDFC CERTIFICATION ☐ YES ☐ NO

☒ RESIDENTIAL ☐ COMM./INDUST.

Payment of above tap fee will not assure connection after one (1) year from date of issue. The holder of this receipt, upon written request within three years from date of issue, shall be eligible for refund only: (a) when the size of water service (meter) is decreased, (b) when building permits are denied or cancelled, (c) when construction has not or will not begin within one (1) year from date of issue, or (d) when collection was made in error.

CUSTOMER'S COPY